

CHAPTER 17.70 BANGERTER HIGHWAY MIXED USE (BH-MU) ZONE

17.70.010	PURPOSE
17.70.020	PERMITTED USES
17.70.030	CONDITIONAL USES
17.70.040	USE REGULATIONS
17.70.050	ZONE ESTABLISHMENT
17.70.060	DEVELOPMENT REVIEW
17.70.070	LOT WIDTH AND FRONTAGE
17.70.080	AREA REQUIREMENTS
17.70.090	PRIOR CREATED LOTS
17.70.100	YARD REQUIREMENTS
17.70.110	PROJECTIONS INTO YARDS
17.70.120	PARKING AND ACCESS
17.70.130	FENCING, SCREENING AND CLEAR VISION
17.70.140	ARCHITECTURAL STANDARDS
17.70.150	LANDSCAPING
17.70.160	LIGHTING
17.70.170	OTHER REQUIREMENTS

17.70.010 PURPOSE

The Bangerter Highway Mixed Use Zone may be cited as the “BH-MU Zone” and may be established along the east side of Bangerter Highway to provide areas for higher density, mixed use development. Such development will be compatible with a major arterial highway corridor and would discourage low density single family residential development near the highway. It is intended that a variety of retail, office, entertainment and residential uses be combined to create a self-contained environment for workers, shoppers, residents and visitors in a pedestrian oriented, unified manner while accommodating automobile traffic to regional services dependent upon a major transportation facility. The BH-MU Zone will encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip commercial with its attendant congestion, pollution, and visual blight.

17.70.020 PERMITTED USES

The following uses are permitted in the BH-MU Zone.

Department, discount and food stores
Shopping centers and malls
Hardware and home improvement retailing
Furniture, electronics, appliances and home furnishings retailing
Sewing supplies, apparel, footwear retailing

Sporting goods, toy retailing
Household goods retailing
Health, beauty and medical products retailing; prescription drugs retailing
Books, videos, media, photography, copies, art and drafting supplies, office supplies,
stationery retail
Hobbies and crafts retailing
Hotels and motels
Movie theaters, concert halls
Restaurants, eating establishments
Beauty, health and fitness centers
Banks, credit unions, financial institutions
Auto and equipment parts retailing
Miscellaneous retail sales
Office uses
Medical, dental, health services
Pharmacy

17.70.030 CONDITIONAL USES

A conditional use permit may be issued for the following uses in the BH-MU Zone.

Automobile sales, new and ancillary used, maximum 3 acres per business, no closer than 400 feet from residential development
Automobile sales, used; minimum 8,000 square foot building required, maximum 3 acres per business, no closer than 400 feet from residential development
Automotive services enclosed within a building including lube, tune-up, automatic wash, inspection, tires, mufflers, minor repairs
Gas stations, convenience stores
Recreational vehicle and boat sales, new and ancillary used
Office buildings
Hospitals
Fast food
Street vendors
Lumber, building material and landscaping retail sales yards
Drive-through facilities for allowed uses
Convention, arena, reception and assembly facilities
Nature or zoological exhibits
Cultural exhibits and activities
Golf courses and ranges
Parks
Public facilities
Equipment and appliance light repairs and service enclosed within a building
Laundry
Bed & breakfast inn
Schools, educational and training activities

Day care center

Entertainment, amusement, recreational activities

Single-family residential PUD or condominium-maximum 8 units per acre

Upper floor residential condominium combined with commercial and/or office use on the main floor in the same building

17.70.040 USE REGULATIONS

Uses may be conducted in BH-MU Zones only in accordance with the following regulations.

1. Only allowed permitted, conditional or accessory uses as set forth in this Chapter may be conducted in BH-MU Zones. Residential uses (not including upper floor residential) in a BH-MU Zone may not exceed 20% of the gross land area in the zone. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in BH-MU Zones.
2. All uses in BH-MU Zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this Chapter, except those temporary uses customarily conducted in the outdoors including, Christmas tree lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four one-week periods per year.
3. Accessory uses and buildings may be conducted in BH-MU Zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
4. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles in BH-MU Zones. No commercial materials, goods or inventory may be stored in open areas in BH-MU Zones except for temporary display items which are removed daily and which may be located only on private property no closer than 10 feet from any public right-of-way. No more than 12 small party balloons and 6 weatherproof placards, each not exceeding 2 feet square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in screened areas approved for such purpose with site plan review.
5. No vehicle, boat or trailer or part(s) thereof which is in a wrecked, junked, dismantled inoperative or abandoned condition, attended or not, may be parked or stored in BH-MU Zones for longer than 72 hours unless stored within a completely enclosed building.
6. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored in the BH-MU Zone for longer than 72 hours except in conjunction with an approved use, or approved development or construction activities on the property.

7. Utility trailers and recreational vehicles such as motor homes, travel trailers, water craft, campers and all-terrain vehicles, may not be stored in any area in BH-MU Zones except in conjunction with a single family dwelling. Said trailers and vehicles shall be stored within lawfully constructed buildings or behind the front line of the dwelling except that said vehicles may be stored temporarily in front or street side yards for no longer than 72 hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least 8 feet from the street right-of-way line and if enclosed with a 6 foot high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the BH-MU Zone except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than 7 days per calendar year.
8. Home occupations may be licensed in any residence in BH-MU Zones according to provisions of Chapter 17.98 of this Title.

17.70.050 ZONE ESTABLISHMENT

Each proposed BH-MU Zone shall be contiguous to the Bangerter Highway right-of-way. Each proposed BH-MU Zone shall be accompanied by a Master Development Plan (“MDP”) which specifies land use areas and residential densities. Retail, Office, Residential 8, Mixed Use (containing upper floor residential), Open Space and Public/Quasi-public land use areas will be shown on the MDP. The MDP shall be adopted as an exhibit to the Ordinance establishing the BH-MU Zone in which it is proposed. The MDP may be amended by the City Council after the establishment of the BH-MU Zone by following standard rezoning procedures of Chapter 17.22.

17.70.060 DEVELOPMENT REVIEW

All uses proposed in BH-MU Zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of the South Jordan Municipal Code regarding development review in the preparation and review of development proposals in BH-MU Zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City except as allowed under State law. The following procedure shall be used for site plan review of projects in the BH-MU Zone.

1. The developer shall prepare and submit a concept plan as described in Section 16.24.030 of the Development Code.
2. The developer shall prepare and submit a design book with the concept plan containing typical renderings of cross sections and plan views of the following:
 - a) Existing and proposed public street curb, gutter, sidewalk, park strip, landscaping, street lights and pavement
 - b) Yard areas between buildings and public streets including trees, grass, shrubs, ground cover, signs, screen walls
 - c) Parking areas, walkways, driveways, landscaped areas, storm detention/retention areas

- d) Architectural features, including materials and colors, of buildings, freestanding and wall-mounted signs and light fixtures, trash enclosures, utility and loading area screen walls, pedestrian furniture and artwork
 - e) Other improvements as required by City staff
3. The City staff shall review the concept plan and design book and provide comments to the Developer who will make needed revisions to the documents. Upon final review and approval of City staff, the concept plan and design book for the development will be scheduled on the Planning Commission agenda for a public hearing.
 4. Upon approval of the concept plan and design book by the Planning Commission, site plans for all or portions of the BH-MU Zone may be prepared according to Section 16.24.040 and submitted to City staff for review. City staff may approve, approve with conditions, or deny the site plan(s) for the proposed development.
 5. A decision of the City staff regarding site plans in the BH-MU Zone may be appealed according to procedures set forth in Section 16.04.370 of the Development Code.

17.70.070 LOT WIDTH AND FRONTAGE

No minimum lot width is required in the BH-MU Zone except as established with development approval. Each lot or parcel in BH-MU Zones must front on or have legal access to a public street.

17.70.080 AREA REQUIREMENTS

The following area requirements shall apply in the BH-MU Zone.

1. Minimum zone area. The minimum area of a BH-MU Zone shall be 100 acres.
2. Minimum project area. "Project" shall be defined as any development in BH-MU Zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in BH-MU Zones shall be 1 acre.
3. Minimum lot area. There shall be no minimum lot area in BH-MU Zones except as established with development approval.
4. Maximum residential use area in BH-MU Zones is 20% of the gross land area in the zone.

17.70.090 PRIOR CREATED LOTS

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a BH-MU Zone shall be brought into conformance with the requirements of this Chapter prior to development.

17.70.100 YARD REQUIREMENTS

Yard requirements in the BH-MU Zone shall be determined with site plan, subdivision and/or condominium review by the Planning Commission. Non-single family residential buildings shall be separated from single family residential lot lines by a minimum distance of 30 feet, of which 10 feet adjacent to the property line shall be landscaped, unless said uses are contained in the same building.

17.70.110 PROJECTIONS INTO YARDS

The following may be erected on or projected into any required yard space in BH-MU Zones.

1. Fences and walls in conformance with City Codes and Ordinances.
2. Landscape elements including trees, shrubs and other plants.
3. Utility or irrigation equipment or facilities.
4. Decks not more than 2 feet in height.
5. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than 2 feet into a side yard or 4 feet into a front or rear yard.
6. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding 8 feet wide and extending not more than 2 feet into a side yard or 4 feet into a front or rear yard.

17.70.120 PARKING AND ACCESS

Parking areas and access in BH-MU Zones shall meet requirements of Chapter 16.26 of the South Jordan Municipal Code. Strategies for walkable commercial development as suggested by Envision Utah's "Urban Planning for Quality Growth" shall be implemented where appropriate.

17.70.130 FENCING, SCREENING AND CLEAR VISION

The following fencing, screening and clear vision requirements shall apply in BH-MU Zones.

1. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
2. The boundary of a BH-MU Zone which is not in or adjacent to a street and which is adjacent to a single-family residential or agricultural zone shall be fenced with a 6 foot, decorative pre-cast concrete panel or masonry fence as determined with development approval. Six foot solid vinyl boundary fencing may be allowed in unusual circumstances such as adjacent to property which is master planned for non-residential uses. A higher fence may be required or allowed by the City in unusual circumstances. A building permit is required for fences and walls over 6 feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.
3. No wall, fence or screening material shall be erected between a street and a front or street side building line in BH-MU Zones except as required in #1 above.
4. Landscape materials, except for mature trees which are pruned at least 6 feet above the ground and fences, shall not exceed 3 feet in height within a 10 foot triangular area formed by the edge of a driveway and a street right-of-way line or within a 30 foot triangular area formed by the right-of-way lines of intersecting streets.

17.70.140 ARCHITECTURAL STANDARDS

The following architectural standards are required in BH-MU Zones.

1. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with development review. An architectural theme governing the project shall be submitted for review.
2. All building materials shall be high quality, durable and low maintenance.
3. Single-family residential and town home dwellings shall be constructed with brick or stone in the minimum amount of 3 feet times (x) the perimeter of the foundation (including garage), a minimum 8:12 roof pitch and a minimum 22 ft. x 22 ft garage.
4. Exterior walls of buildings, in excess of 60 feet in length, shall have relief features at least 4" deep at planned intervals. All sides of buildings shall receive design consideration.
5. Signs shall meet requirements of Chapter 16.36 of the Municipal Code and shall be constructed of materials which complement the buildings which they identify.
6. Maximum building height in BH-MU Zones shall be 4 stories except that the maximum height shall be 2 stories within 400 feet of any single family residential zone.
7. The exteriors of buildings in the BH-MU Zone shall be properly maintained by the owners.

17.70.150 LANDSCAPING

The following landscaping requirements and standards shall apply in the BH-MU Zone.

1. The front, side and rear yards of lots in BH-MU Zones shall be landscaped and properly maintained with grass, trees and other plant material.
2. All areas of lots in BH-MU Zones not approved for parking, buildings or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan, plat or record of survey map for the development.
3. A minimum of one tree per 500 square feet, or part thereof, of required landscaped yard areas is required in BH-MU Zones in addition to other trees required in this section. A minimum of 30% of required yard area trees shall be minimum 7' evergreens. Deciduous trees shall be minimum 2" caliper. Deciduous and evergreen trees required in this section shall be dispersed throughout the required yard areas on the site.
4. All collector street and other public and private park strips in BH-MU Zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
5. Trees may not be topped nor may any landscape material be removed in BH-MU Zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan, plat or map approval.
6. The following landscaping requirements shall apply in parking areas in BH-MU Zones.
 - a) Curbed planters with 2" or larger caliper shade trees and grass, shrubs or groundcover shall be installed at the ends of parking rows. Planters shall be

- at least 5' wide.
- b) Shade trees shall be planted between double parking rows at minimum intervals of 6 stalls and along single parking rows at minimum intervals of 3 stalls and no farther than 6' from the parking area. Shade trees are not required in parking rows which are adjacent to buildings.
 - c) All landscaped areas adjacent to parking areas shall be curbed.
7. A minimum 20' wide landscaped planter shall be required along the Bangerter Highway right-of-way on lots and parcels in the BH-MU Zone which adjoin the highway right-of-way. This area may be counted toward any minimum yard area that would otherwise be required adjacent to the highway right-of-way. These areas shall be planted with trees and other plant materials approved with the development.
 8. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights-of-way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
 9. All required landscaping in BH-MU Zones, shall be installed (or escrowed due to season) prior to occupancy.
 10. All landscaped areas, including adjoining public right-of-way areas, shall be properly irrigated and maintained by the owners.

17.70.160 LIGHTING

The following lighting requirements shall apply in BH-MU Zones.

1. A lighting plan shall be submitted with all new developments in BH-MU Zones. Site lighting shall not exceed 40 feet in height. Site and street lighting shall not exceed 20 feet in height within 300 feet of any single family residential zone or in public park strips.
2. Lighting for commercial uses which is within 300 feet of residential lots shall be shielded to prevent glare on said residential lots.
3. All lighting fixtures shall be architectural grade consistent with the architectural theme of the development. Lighting fixture detail will be submitted for approval with the development.

17.70.170 OTHER REQUIREMENTS

The following provisions shall apply in BH-MU Zones.

1. Private covenants. The developer of a condominium project or PUD in a BH-MU Zone shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in Utah that the condominium meets requirements of Utah State law, and record the covenants with the condominium map or subdivision plat for the project.

2. All developments in BH-MU Zones shall be graded according to the City's engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
3. Buildings may not be located within public easements without written approval from the affected parties.
4. All developments shall be properly maintained by the owners.
5. A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City.